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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

DUMAKA HAMMOND

Defendant.

No. 16-00102-JD

STIPULATION AND [PROPOSED]
DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the Stipulation for Entry of a Discovery Protective Order submitted by the United States of America and Defendant Dumaka Hammond, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. This Protective Order governs all discovery material in any format (written or electronic) that is produced by the government in discovery in the above captioned case, and is identified and marked as "NIT Protected Material."

2. The United States will make available copies of discovery materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of

1 copies of the NIT Protected Material is limited to the attorneys of record, members of the defense team
2 employed by the Office of the Federal Defender, and Matthew Miller, an expert retained by the defense
3 team. (hereinafter collectively referred to as members of the defense team).

4 3. The attorneys of record and members of the defense team may display and review the NIT
5 Protected Material with the Defendant. The attorneys of record and members of the defense team
6 acknowledge that providing copies of the NIT Protected Material, or information contained therein, to
7 the Defendant and other persons is prohibited, and agree not to duplicate or provide copies of NIT
8 Protected Material, or information contained therein, to the Defendant and other persons.

9 4. The United States Attorney's Office for the Northern District of California is similarly
10 allowed to display and review the NIT Protected Material, or information contained therein, to lay
11 witnesses, but is otherwise prohibited from providing copies of the NIT Protected Material, or
12 information contained therein, to lay witnesses, i.e. non-law enforcement witnesses.

13 5. Nothing in this order should be construed as imposing any discovery obligations on the
14 government or the defendant that are different from those imposed by case law and Rule 16 of the
15 Federal Rules of Criminal Procedure, and the Local Criminal Rules.

16 6. Any NIT Protected Material, or information contained therein, that is filed with the Court
17 in connection with pre-trial motions, trial, sentencing, or other matter before this Court, shall be filed
18 under seal and shall remain sealed until otherwise ordered by this Court. This does not entitle either
19 party to seal their filings as a matter of course. The parties are required to comply in all respects to the
20 relevant local and federal rules of criminal procedure pertaining to the sealing of court documents.

21 7. The provisions of this Order shall not terminate at the conclusion of this prosecution.

22 8. Upon the termination of this case, any NIT Protected Material (or copies thereof), or
23 information contained therein, in the possession of the defense team shall be destroyed or returned to the
24 United States.

25 9. Any violation of any term or condition of this Order by the Defendant, his attorney(s) of
26 record, Mr. Miller, any member of the defense team, or any representative for the Department of Justice,
27 may be held in contempt of court, and/or may be subject to monetary or other sanctions as deemed
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appropriate by this Court.

10. If the Defendant violates any term or condition of this Order, the United States reserves its right to seek a sentencing enhancement for obstruction of justice, or to file any criminal charges relating to the Defendant's violation.

SO STIPULATED:

BRIAN J. STRETCH
United States Attorney

DATED: July 7, 2016

/s/ Thomas R. Green
THOMAS R. GREEN
Assistant United States Attorney

DATED: July 7, 2016

/s/ Hanni Fakhoury
HANNI FAKHOURY
Attorney for Dumaka Hammond

SO ORDERED.

DATED: _____

THE HONORABLE JAMES DONATO
United States District Court Judge